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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,744	02/19/2004	Fiorenzo Draghetti	U 015042-3	1668
140	7590	01/24/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,744

Applicant(s)

DRAGHETTI ET AL.

Examiner

Marissa L. Ferguson

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1,3-7,11-15,17-20 and 26-29 is/are rejected.
- 7) ☒ Claim(s) 8-10 and 21-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,11-15,17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. (US Patent 4,655,644).

Blidung et al. teaches a method and apparatus comprising a line for feeding blanks along a given processing path (Column 5, Lines 39-48), a first pickup means (32.1) for removing groups (2,8) of blanks arranged in groups given arrangement a storage area (area located on the left side of figure 1 consisting of elements 2 and 8) from the storage area feeding them onto an upstream conveyor (Figures 4-7) from said work station and second pickup means (32.2) for removing said blanks in groups from a processing path (Column 5, Lines 39-48) downstream from a station (Figures 5,6 and 9), and feeding them, formed into given arrangement, to a packing area(1), the unit being characterized comprising a number of pallets (Column 5, Lines 52-58) supporting

the blanks in the packing area (1) which comprises an unloading area (pallet area holding stacks 2,8) which is engaged by a first pickup means (32.1), located at an input end of a processing path (left side of figure 1), and receives an initially loaded first pallet (Column 16, Lines 14-27) and a loading area (area located on the right side including packing machine 1) engaged by a second pickup means (32.2), which is located at an output end of a processing path (right side of figure 1). However, Blidung et al. does not explicitly disclose at least one workstation located along a processing, subjecting each blank to at least one processing operation.

Draghetti et al. teaches a production method with cigarette packets that has many processing stations such as a print station (34), a lacquer station (Page 2, Paragraph 0037) and a station for applying identification information (Page 1, Paragraph 0019).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention as taught by Blidung et al. to include a processing station as taught by Draghetti et al., since Draghetti et al. teaches that it is advantageous to provide a packet of cigarettes designed to provide consumers with necessary information in a clear and concise manner.

Blidung and Draghetti et al. both do not explicitly disclose an ordering means located upstream to arrange blanks into a succession of individual blanks and a regrouping means located downstream to reform groups. Beck et al. teaches a cigarette packaging machine teaches a reservoir (2) with stacks (16) of blanks that moves to a de-stacking device (5) for un-stacking the stacks into individual blanks (6).

After the blanks are de-stacked, they are printed, folded and restacked manually or mechanically (Page 5, Lines 10-28, Page 6, Lines 1-15 and Claims 1,8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a regrouping device as taught by Beck et al., since Beck et al. teaches that it is advantageous to provide efficient handling thus eliminating negative affects of the outputted blanks/packages.

Blidung, Draghetti and Beck all do not explicitly disclose moving an empty second pallet into a loading area. Feichtl et al. teaches moving an empty pallet (8) onto a second stack (5), after the workpieces (11) located on pallet (8) from the first stack (4) are machined, the workpieces are then placed on an initially empty pallet (8) that is located on the second stack (element 5 and Column 5, Lines 26-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include moving a second empty pallet into a loading/unloading area as taught by Feichtl et al., since Feichtl et al. teaches that it is advantageous to simplify handling of the pallets and reduce nonproductive times within the system.

3. Claims 5-7 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. as applied to claims 3,15,17 and 26-28 above, and further in view of Montemayor et al. (US Patent 5,494,398).

Blidung et al., Draghetti et al., Beck et al. and Feichtl et al. all teach the invention and method claimed with the exception of a fixed hopper having an input for stacks and a bottom output end, a drum that is a suction member and wherein the drum is tangent to a bottom output end of a hopper and to the conveyor. Montemayor et al. teaches an unstacking device with a magazine unit (120), a rotating suction drum (30), wherein the drum is tangent to a bottom of the hopper and conveyor (204 and Figures 9,11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a magazine and suction member as taught by Montemayor et al., since Montemayor et al. teaches that it is advantageous to ensure proper placement of a flat article on a transporting device.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. as applied to claims 15,17 and 26-28 above, and further in view of Focke et al. (US 6,722,109).

Blidung et al., Draghetti et al., Beck et al. and Feichtl et al. all teach the claimed invention and method with the exception of at least one station for applying least one spot of hot glue to each blank. Focke et al. teaches a packaging device that applies hot glue to blanks (Column 3, Lines 21-24, Lines 52-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a gluing station as taught by Focke et al.,

since Focke et al. teaches that it is advantageous to securely glue the blanks in order to produce sturdy packs.

Allowable Subject Matter

5. Claims 8-10 and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 30 and 31 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: regarding claims 8 and 21 the prior art does not teach a regrouping means that are stacking means comprising braking means for braking the blanks coming off a conveyor, and substantially positioning them on edge; at least one container for receiving the on-edge blanks and forming, inside it, a stack of blanks; and a conveyor unit for receiving stacks of blanks from the container.

Regarding claim 9, the prior art does not teach or render obvious a method of a group of blanks that is formed as a reel of a strip defined by a number of blanks arranged in series and connected to one another wherein the reel is being unwound along the processing path (P1) to arrange said blanks (2) in series and feed them successively through a work station (45).

Regarding claim 25, the prior art does not teach or render obvious a group comprising a reel of a strip defined by a number of blanks arranged in series and connected to one another; the ordering means and regrouping means comprising an unwinding pin for unwinding a reel, and, respectively a rewinding pin for receiving a strip

and forming a strip into a new reel; the path extending between two pins and a guide means being provided to guide a strip along a path and through a work station.

Regarding claim 30, the prior art does not teach or render obvious a regrouping means located along the processing path (P1), downstream from the work station, to reform the groups, the regrouping means including stacking means comprising braking means for braking the blanks coming off the conveyor, and substantially positioning them on edge of at least one container for receiving the on-edge blanks and forming, inside the container, a stack of the blanks and a conveyor unit for receiving the stacks of blanks from the container.

Regarding claim 31, the prior art does not teach or render obvious wherein each group comprises a reel of a strip defined by a number of blanks arranged in series and connected to one another, the ordering means and the regrouping means comprising an unwinding pin for unwinding the reel, and, respectively, a rewinding pin for receiving a strip and forming the strip into a new reel, the processing path extending between the two pins, and a guide means being provided to guide the strip along the processing path and through the work station.

Response to Arguments

8. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Gillespie et al., U.S. Patent 3,520,104 teaches a cartoning machine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson
Examiner
Art Unit 2854

MLF
January 22, 2006



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